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UNCLAS PHNOM PENH 000102

SIPDIS

STATE FOR EAP/MLS  
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STATE FOR EEB/TPP/MTAA/ABT/MSZYMANSKI  
USDA FOR FAS/SFROGETT

E.O. 12958: N/A

TAGS: [EAGR](#) [ECON](#) [ETRD](#) [TBIO](#) [KPAO](#) [CB](#)

SUBJECT: CAMBODIA RESPONSE TO DEMARCHE ON CARTAGENA PROTOCOL

REF: STATE 11910

11. (U) Econoff delivered Reftel demarche to Oum Pisey, Ministry of Environment (MOE) Technical Advisor and national contact for Cambodia's National Biosafety Framework development. There is an inter-ministerial biosafety planning group that includes the Ministry of Agriculture, Forestry and Fisheries (MAFF), the Ministry of Industry, Mines and Energy (MIME), and the Ministry of Commerce (MOC), but the MOE has the lead on all negotiations and policies related to the Cartagena Protocol on Biosafety (CPB). Contacts at MAFF deferred to the MOE for all questions regarding biosafety policies in Cambodia.

12. (U) Oum Pisey said that the Royal Government of Cambodia (RGC) will not send a delegation to the February 23-27 meeting in Mexico City due to funding constraints. However, Econoff relayed USG concerns regarding the meeting's proposed topics, and Oum Pisey provided some feedback on the RGC position on each of these topics. Given that biosafety and biotechnology are still new issues for Cambodia, the RGC has not yet formulated a strong opinion on several of the proposed topics.

-- Definition of Damage: The RGC has not yet indicated a preference towards a broad or narrow definition of damage. Oum Pisey indicated that the RGC would likely support a "middle-of-the-road definition", based on the country's own biosafety law. The law does not explicitly define "damage", but does refer to areas beyond the scope of the CPB, such as economic and socioeconomic harm.

-- Definition of Operator: The RGC has not yet decided how it would propose to define "operators" liable for damage in the movement of living modified organisms (LMOs). Oum Pisey said that developing countries were likely to push for a broad definition that could include all stakeholders in the value chain, from sources to distributors.

-- Standard of Liability (Strict versus Fault-Based): The RGC supports a fault-based standard of liability, consistent with its civil liability code. There is a draft sub-decree to Cambodia's biosafety law which would also define a fault-based standard of liability, but Oum Pisey was not sure when this sub-decree would be promulgated.

-- Financial Security: The Minister of Environment has not yet outlined the RGC's position on mandatory use of insurance or other financial instruments for shipments of LMOs. However, Oum Pisey predicted that the RGC would align itself with other ASEAN members on this issue.

-- Binding vs. Non-binding: The RGC supports a binding civil liability system, but Oum Pisey thought that it would be difficult for international stakeholders to reach a consensus on and to implement such a system. He said that at a minimum, the RGC would try to implement binding civil liability terms in its bilateral agreements with trade partners.

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